IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4582 of 2006()

CRA.264/2002 of SESSIONS COURT, KOTTAYAM
ST.2617/1999 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM

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REVN. PETITIONER/APPELLANT/ACCUSED:

M.B.LALUMON,
MAKKOMTHARA HOUSE,
PALLOM P.O., KOTTAYAM.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. OVERSEAS CREDITS PRIVATE LIMITED,
S21, ADAM TOWERS, M.C. ROAD,
KOTTAYAM, REPRESENTED BY ITS MANAGING DIRECTEOR
T.K.STEPHEN, THATHAMKULAM HOUSE,
NEAR 101 JUNCTION, THELLAKOM P.O.KOTTAYAM.

BY ADV. SMT.V.T.LITHA FOR R2
BY PUBLIC PROSECUTOR SRI. C.K. SURESH FOR R1

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

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Crl.R.P. No.4582 of 2006

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Dated this 21st day of December, 2006.

ORDER

Revision Petitioner is the accused in S.T. No. 2617 of 1999 on the file of the Judicial Firsts Class Magistrate Court – III, Kottayam. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of 3 months under section 138 of the Negotiable Instruments Act. In appeal filed by him, the conviction was confirmed and the sentence was modified. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.13311/2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and that the amount involved is also paid by the petitioner to the second respondent- complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.13311/2006 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**